IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 16382 of 2007(A)

PETITIONER:

V.C.VARKEY,
S/O.CHACKO, AGED 60, VADAKKEL HOUSE,
VALIYAPADAM, OLIYAPURAM (PO), KOTHATTUKULAM,
(RETIRED CONDUCTOR, KSRTC DEPOT, MALA).

BY ADV. SRI.K.S.AJAYAGHOSH

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM REP.BY ITS MANAGING DIRECTOR.

2. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM.

3. STATE OF KERALA REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
DEPARTMENT OF TRANSPORT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY SC SRI. JOHNSON P. JOHN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.16382 of 2007

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Dated this the 30th day of May, 2007

JUDGMENT

There is no dispute that provisional service can be counted for the purpose of increments and pensionary benefits is covered by judgments, including Ext.P6.

2. Heard counsel for the petitioner, the learned Government Pleader and the counsel appearing for the respondent Corporation. In such circumstances petitioner is also entitled to the benefit of the said judgment.

The writ petition is allowed and there will be a declaration that the petitioner is entitled to count his provisional service rendered by him along with his regular service for the purpose of quantifying pension and pensionary benefits. The pensionary benefits including monthly pension, commuted value of pension and DCRG will be reckoned by taking into account the service rendered by him as provisional employee of the Corporation. The monetary benefits out of this declaration shall be released by the first respondent as

expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this judgment. Any amount payable as arrears also will be paid to the petitioner within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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